

Kentucky Board of Medical Licensure Newsletter

Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222
Website: kbml.ky.gov

Summer 2005

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Report of the June Board Meeting

The full Board held its second meeting of the year on June 16, 2005, at its headquarters office in Louisville. At the daylong meeting, the Board considered numerous items. A total of 473 applications were considered for initial licensure in the state. Two hundred and twenty applicants for licensure were approved for a full and unrestricted license, 151 residency training licenses and 65 institutional practice limited licenses were approved. Twenty-seven applicants were given special consideration resulting in several physicians' licenses being issued under certain terms and conditions.

Other items considered at the meeting included recommendations from its Physician Assistant Advisory Committee, Surgical Assistant Committee and State Council on Athletic Trainers. Burns M. Brady, M.D., Medical Director, gave a report on the current status of the Kentucky Physicians Health Foundation. Members of the Board also reviewed a report from the Federation of State Medical Board summarizing the number of USMLE Step 3 examinees who tested under the Kentucky Board's sponsorship during the calendar year 2004. It was noted that Kentucky's passing rate was higher than the national average. Other topics discussed included the implementation of on-line renewals for 2006, scope of practice of faculty licenses and amendments to the Boards *Guidelines for the Use of Controlled Substances in Pain Management*.

The next meeting of the full Board is scheduled for September 14, 2005. The Board's Inquiry Panels are scheduled to meet on July 21 and August 18. All meetings begin at 9:30 am and are open to the public.

Board Oversight and HIPAA

Physicians have become intimately familiar with the privacy protections mandated by the Health Insurance Portability and Accountability Act (HIPAA). Practitioners have implemented procedures to protect patients' health information. However, physicians have inquired if HIPAA affects their obligation to respond to a Medical Board request for patient records. The short answer is "No". HIPAA does not alter a physician's obligation to provide patient records pursuant to a Board request. First, in the course of enforcing and investigating possible violations of the Kentucky Medical Practice Act, the Board's agents are authorized by statute to inspect and obtain patient records. Secondly, the Board's activities are exempted from the HIPAA requirement that patient consent and authorization be obtained prior to release of protected patient health information. Specifically, Title 45 CFR Section 164.512(d)(1) permits a "covered entity [to] disclose protected health information to a health oversight agency for oversight activities authorized by law, including ... licensure or disciplinary proceedings." The preamble to the final rule explicitly recognizes "State health professional licensing boards" in the definition of health oversight agencies. Thus, a physician's obligation to comply with a Medical Board request for patient records is not limited, altered or otherwise affected by HIPAA. By statute, the Board has the ability and responsibility to protect patient records from public disclosure to protect the privacy of patients.

Board Action Report

(Actions Taken Since April 1, 2005)

Van S. Breeding, M.D., Whitesburg, KY #26664.

Agreed Order of Probation entered into 4/1/05.

Abdul Kader Dahhan, M.D., Harlan, KY #17192.

Agreed Order entered into 6/20/05.

Rosarie M. Dubrule, M.D., Out of State, #32575.

Interim Order of Default issued 5/6/05.

John T. Ebert, M.D., Hopkinsville, KY #31114.

Order of Suspension issued 5/6/05. Order Dismissing Complaint and Final Order Affirming Emergency Order of Suspension issued 6/24/05 regarding Emergency Order of Suspension issued on 1/21/05.

Daryl R. Franks, M.D., Florence, KY #33971.

Agreed Order of Surrender effective 6/20/05.

Richard O. Gritzmacher, M.D., Out of State #36243.

Agreed Order entered into 5/19/05.

Jill M. Jacobs, M.D., Louisville, KY #25650.

Agreed Order of Indefinite Restriction entered into 6/23/05.

Henry A. Jones, M.D., Greenup, KY #13006.

Order Terminating Agreed Order of Indefinite Restriction issued 6/27/05.

Todd F. Lackney, D.O., Danville, KY #02678.

Agreed Order of Indefinite Restriction entered into 6/6/05.

Terry A. Lawson, P.A.-C, Whitley City, KY Ctf. #PA378.

Agreed Order of Surrender entered into 5/19/05.

It was incorrectly reported in the *KBML Spring Newsletter* that the Board's Hearing Officer overturned Mr. Lawson's Suspension Order issued on 1/21/05. The Complaint and Emergency Order of Suspension remained in effect until Agreed Order was entered into on 5/27/05.

James E. Little, M.D., Whitley City, KY #01195.

Agreed Order of Restriction entered into 5/19/05.

Gary Nakasato, M.D., Campbellsville, KY #34799.

Order Dismissing Complaint issued 6/27/05.

Tariq K. Malik, M.D., Owensboro, KY #32045.

Agreed Order of Indefinite Restriction entered into 6/20/05.

Lorenzo D. Nichols, III, M.D., Out of State #33053.

Order of Revocation, Stayed issued 6/22/05.

Arif M. Omar, M.D., Frankfort, KY #32517.

Agreed Order entered into 5/19/05.

Nikhil S. Parulekar, D.O., Corbin, KY #02630.

Order of Probation issued 5/13/05.

Troy E. Rock, M.D., Lexington, KY #33134.

Agreed Order entered into 5/13/05.

James A. Schroer, M.D., Newport, KY #10580.

Complaint and Emergency Order of Suspension issued 6/20/05, effective 6/27/05.

Cheung S. Shin, M.D., Middlesboro, KY #34450

Order Terminating Probation effective 6/23/05.

Robert S. Walsh, M.D., Pikeville, KY #33255.

Agreed Order of Fine entered into 5/19/05.

Darwin P. Whitaker, P.A.-C. Hazard, KY Ctf. #PA361.

Agreed Order of Indefinite Restriction entered into 5/27/05.

Paul J. Winkler, M.D., Owensboro, KY #15563.

Interim Agreed Order entered into 6/21/05.

Franklin M. Wolf, M.D., Manchester, KY #38287.

Order Terminating Probation effective 4/18/05.

Restrictions have also been placed on the following physician's license pending resolution of charges brought against the physician.

Paul J. Winkler, M.D., Owensboro, KY #15563.

A Complaint & Emergency Order of Restriction were issued by the Board on 5/27/05. Effective 6/7/05. Physician prevented from providing medical care, treatment or advice to male patients in Kentucky until further advice from the Board. As noted above, Interim Agreed Order was entered into on 6/21/05.

Allen B. Young, M.D., Carrollton, KY #26902.

A Complaint & Emergency Order of Restriction were issued by the Board on 5/19/05. Effective 6/22/05, physician prevented from prescribing, dispensing or otherwise professionally utilizing controlled substances to himself or family members in Kentucky until further advice from the Board.

DEA Approves Digital Technology for Controlled Substance Orders

On April 1, 2005, the Drug Enforcement Administration (DEA) published in the *Federal Register* a Final Rule permitting the use of digital signature and Public Key Infrastructure (PKI) technology to sign and transmit orders for Schedules I and II controlled substances and to archive records for those orders. A copy of the final rule, along with supporting documentation including the economic analysis for this system, is available at the Diversion Control Program web site at www.deadiversion.usdoj.gov.

Important Reminder – CME cycle ends December 31, 2005.

Board regulation 201 KAR 9:310 requires all physicians maintaining a current Kentucky medical/osteopathic license to obtain 60 hours of CME for the current three year cycle that ends on December 31, 2005. Thirty of these hours must be in Category 1 accredited by the Accreditation Council on Continuing Medical Education or the American Osteopathic Association. The remaining thirty hours can be in Category 1 or may consist of non-supervised personal training activities designated as Category 2 CME hours. A minimum of two hours of the required CME must be acquired once every 10 years in a HIV/AIDS course approved by the Cabinet for Family and Health Services pursuant to 902 KAR 2:160.

In the previous CME cycle, which ended December 31, 2002, all licensed physicians were required to complete a Kentucky approved HIV/AIDS education course. The course taken during the previous CME cycle is valid for a period of ten years. Newly licensed physicians are required to submit proof of a completed HIV/AIDS education course certificate for initial licensure. It should be noted that the course taken for initial licensure would also be valid for a period of ten years.

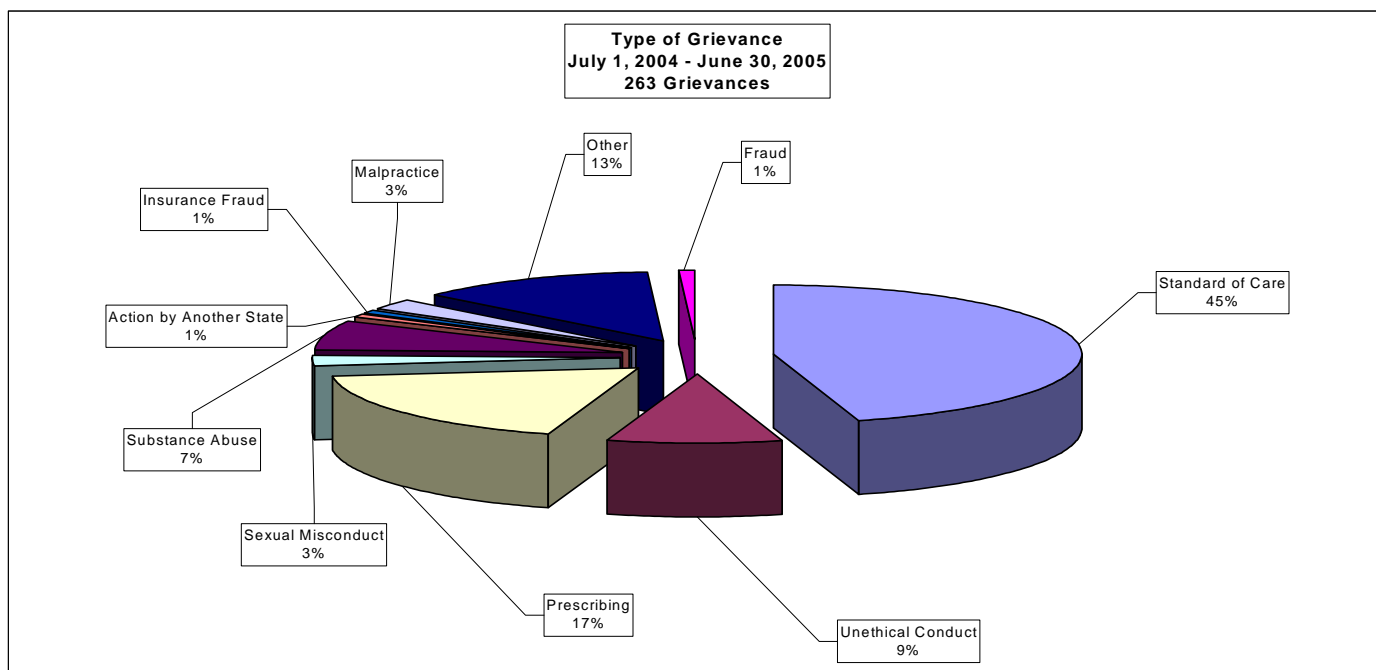
On-Line Renewal of Physician Licenses for 2006

Physicians renewing their medical license for 2006 will have an opportunity to renew their licenses on-line. There will be a \$5.00 convenience fee to renew a license on-line although the current renewal fee of \$125.00 will remain the same and it will be possible to renew using either a check or credit card. In December, physician's holding an active license will receive a notice with instructions of how to renew his or her license.

It should be noted that an attestation regarding CME will be part of the renewal application since the 3-year CME cycle ends on December 31, 2005.

Types of Grievances

The chart below depicts the type of grievances received in the Board's office against physicians practicing in the state during the past fiscal year.



Kentucky Board of Medical Licensure

Change of Address Notice

Please Note: The information that you provide on this Change of Address Notice will be used to update your profile on the Board's web site at kbml.ky.gov.

(Please Print or Type Information)

Date: _____

KY License Number: _____

Name: _____
(last) (first) (m.i.)

Mailing Address: _____
(street)

(city) (state) (zip)

KY Practice County: _____ **Office Telephone:** _____

Practice Address: _____
(street)

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310 Whittington Parkway, Suite 1B
Louisville, KY 40222

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